



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

U.S. Election Assistance Commission
Funding Advisory Opinion
FAO-08-005

Requestors:

Pennsylvania (AOR-08-007)

Division Director, EAC Payments and Grants Division (AOR-08-013, AOR-08-014, AOR-08-015, and AOR-08-016)

Questions:

May HAVA funds be used for the following voter registration related activities:

1. Producing voter registration forms?
2. Preparing and providing instructions on how to register to vote?
3. Conducting voter registration drives including advertising for the event, setting up booths, and paying salaries of employees who register new voters?
4. Encouraging citizens to register to vote?
5. Training poll workers to register new voters?

Determination:

General information applicable to all questions and the specific answers are presented below.

EAC has concluded that HAVA authorizes the use of HAVA funds for voter registration activities as follows:

- Section 101(b)(1)(C) allows Section 101 funds to be used for educating voters concerning voting procedures.
- Section 251(b)(1) allows Section 251 funds to be used to implement and maintain a computerized statewide voter registration list and to publicly post on the day of each election for Federal office instructions on how to vote, including how to cast a vote and how to cast a provisional ballot.

In the opinion of EAC, the phrases “educating voters on voting procedures” and “how to cast a vote” would include providing instruction on how to register to vote as one could not vote if not registered. However, voter registration activities do not qualify for funding under the umbrella of improvements to the administration of elections for Federal office because the activities do not directly contribute to the administration of a Federal election.

Answers

1. Neither Section 101 nor 251 funds may be used to print, copy, or revise State voter registration forms. Providing voter registration forms is an activity that States have been carrying out for years, is not a requirement imposed by HAVA, is not educational (even



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if there are instructions on the form), is not an improvement to the administration of elections for Federal office and must continue to be funded by the State.

2. Section 101 funds may be used at any time to instruct individuals on how to register to vote. This would include print, radio, and television advertisements informing individuals about the need to register to cast a vote, where to register to vote, how to obtain registration forms, and how to complete the forms. Section 251 funds may be used for instructing individuals how to vote in the same manner as Section 101 funds if a State has submitted to the Election Assistance Commission one of the two certifications provided for in section 251(b)(2) of HAVA. Filing the certifications allows a State to use section 251 funds “to carry out other activities to improve the administration of elections for Federal office...”
3. Neither Section 101 nor 251 funds may be used to conduct voter registration drives or get out the vote efforts; including advertising for the event, setting up booths, and paying salaries of employees who register new voters.
4. HAVA authorizes the use of Section 101 funds to educate voters about registering to vote. However, as noted in response to question 2, neither Section 101 nor 251 funds can be used for “get out the vote” activities. In those cases where it is not clear whether a registration activity is educational or a get out the vote effort (i.e. encouraging citizens to vote on Election Day), the State should contact EAC for a determination on the basis of the specific circumstances.
5. Sections 101 and 251 funds may be used to train poll workers who will be registering voters at the polls only on the day of Federal elections.